

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CYNTHIA RUSSO, LISA BULLARD,
RICARDO GONZALES, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 38 HEALTH AND
WELFARE FUND, INTERNATIONAL
UNION OF OPERATING ENGINEERS
LOCAL 295-295C WELFARE FUND, and
STEAMFITTERS FUND LOCAL 439, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No. 17-cv-2246

Judge Edmond E. Chang
Magistrate Judge Sheila Finnegan

**WALGREENS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL ITS
MOTION TO EXCLUDE HILTON'S EXPERT REPORT AND TESTIMONY UNDER
FEDERAL RULE OF EVIDENCE 702, AS WELL AS CERTAIN EXHIBITS FILED IN
SUPPORT OF ITS MOTION**

Defendant Walgreen Co. ("Walgreens") moves the Court for leave, pursuant to Local Rule 26.2, for an Order allowing Walgreens to file under seal Walgreens' Motion to Exclude Hilton's Expert Report and Testimony Under Federal Rule of Evidence 702 (the "Motion to Exclude"), as well as certain Exhibits attached to the Motion to Exclude. In support of this Motion, Walgreens states as follows:

1. Pursuant to Local Rule 26.2, "[a]ny party wishing to file a document or portion of a document electronically under seal in connection with a motion, brief or other submission must: (1) provisionally file the document electronically under seal; (2) file electronically at the same time a public-record version of the brief, motion or other submission with only the sealed document excluded; and (3) move the court for leave to file the document under seal."

2. Walgreens' Motion to Exclude contains descriptions of information contained within documents that have been designated as "Confidential" pursuant to Sections 3 and 4 of the Agreed Confidentiality Order (ECF No. 79) by Walgreens, Plaintiffs, or third parties, many of which required these designations before consenting to the production of their information in this action.

3. Exhibits A, B, and D to the Motion to Exclude contain information that has been designated "Confidential" pursuant to the Agreed Confidentiality Order.

4. Exhibit C to the Motion to Exclude contains deposition testimony that has been designated "Confidential" pursuant to the Agreed Confidentiality Order.

5. Walgreens will, contemporaneous with this motion, publicly file a redacted version of Walgreens' Motion to Exclude, and a redacted version of the Exhibits listed above, except where the entire Exhibit has been designated "Confidential."

6. Walgreens asks the Court for leave to file these documents under seal.

7. Plaintiffs do not oppose this motion.

8. Attached as Exhibit 1 is a Proposed Order granting this motion.

WHEREFORE, Walgreens respectfully requests that this Court: (i) grant this motion for Leave to File Under Seal; (ii) grant Walgreens any other relief as the Court deems just.

Dated: March 17, 2023

Respectfully submitted,

s/ Michael S. Leib

Michael Scott Leib

Anthony Robert Todd

REED SMITH LLP

10 S Wacker Dr # 4000

Chicago, IL 60606

Telephone: 312/207-1000

mleib@reedsmith.com

atodd@reedsmith.com

Frederick Robinson (*pro hac vice*)

Selina Coleman (*pro hac vice*)

Megan Engel (*pro hac vice*)

Jessica Christensen (*pro hac vice*)

REED SMITH LLP

1301 K Street, N.W.

Suite 1100 East Tower

Washington, DC 20005

Telephone: 202-414-9200

frobinson@reedsmith.com

scoleman@reedsmith.com

mengel@reedsmith.com

jchristensen@reedsmith.com

Attorneys for Defendant Walgreen Co.

CERTIFICATE OF SERVICE

I certify that on March 17, 2023, this document was electronically filed with the Clerk of Court using the Court's CM/ECF system, which will then serve a notification of the filing to the registered parties of record.

s/ Michael S. Leib
Michael S. Leib